



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

OWUSU ANSONG,
Complainant,

and

TOMOEGAWA INC., U.S.A.,
Respondent,

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**)Charge No: 2001 CF 2150
)EEOC No: 21 BA 11443
)ALS No: 11742**

RECOMMENDED ORDER AND DECISION

This matter is before me on the Parties' *Agreed Motion to Dismiss* the Complaint filed April 9, 2002. All Parties and the Illinois Department of Human Rights (Department) have been served with the motion. This matter is ready for decision.

CONTENTIONS OF THE PARTIES

Both Parties contend that the Complaint was prematurely filed and, therefore, the Illinois Human Rights Commission (Commission) lacks jurisdiction over the Complaint.

FINDINGS OF FACT

1. The record indicates that, on March 21, 2001, Complainant filed a Charge of Discrimination against the Respondent with the Department.
2. The Charge was designated Charge # 2001 CF 2150.
3. The Parties contend that, on January 23, 2002, they agreed to grant the Department a 90 day extension to investigate the Charge pursuant to Section 7A-102(G)(1) of the Illinois Human Rights Act, 775 ILCS 5/101 et. seq. (Act).
4. Complainant, on his own behalf, filed the instant Complaint on March 19, 2002, prior to the end of the agreed upon extended 90-day period.
5. Both Parties agreed to move the Commission to dismiss the Complaint without prejudice at this time due to the premature filing.

CONCLUSION OF LAW

The Commission lacks jurisdiction over this Complaint because it was not filed in accordance with sections 5/7A-102(G)(1) and 5/7A-102(G)(2) of the Act.

DISCUSSION

Section 5/7A-102(G)(1), in relevant part, states:

When a charge of a civil rights violation has been properly filed, the department, within 365 days thereof or within any extension of that period agreed to in writing by all parties, shall either issue and file a complaint in the manner and form set forth in this Section or shall order that no complaint be issued and dismiss the charge with prejudice without any further right to proceed except in cases in which the order was procured by fraud or duress...

Section 5/7A102 (G)(2), in relevant part, states:

Between 365 and 395 days after the charge is filed, or such longer period agreed to in writing by all parties, the aggrieved party may file a complaint with the Commission, if the Director has not sooner issued a report and determination pursuant to paragraphs (D)(1) and (D)(2) of this Section. The aggrieved party shall notify the Department that a complaint has been filed and shall serve a copy of the complaint on the Department on the same date that the complaint is filed with the Commission.

As the Parties agree that the filing of this Complaint is premature and as the record supports that the Complaint is not properly filed before this tribunal in accordance with statutory parameters, there is no basis for jurisdiction of this Complaint before the Commission.

RECOMMENDATION

I recommend that this Complaint, exclusive of the underlying Charge, be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

By: _____
SABRINA M. PATCH
Administrative Law Judge
Administrative Law Section

ENTERED: April 9, 2002